

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT MITCHELL,) CASE NO. C08-0980-MJP-MAT
Plaintiff,)
v.)
RODNEY ASKELSON, et al.,) ORDER DENYING PLAINTIFF'S
Defendants.) MOTION FOR APPOINTMENT OF
) COUNSEL
)
)

This matter comes before the Court on plaintiff's motion for appointment of counsel. The Court, having reviewed plaintiff's motion, and the balance of the record, does hereby find and

ORDER:

(1) Plaintiff's motion for appointment of counsel (Dkt. No. 27) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires

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01 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to
02 articulate his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789
03 F.2d at 1331.

04 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in
05 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.
06 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which
07 warrant appointment of counsel at the present time.

08 (2) The Clerk shall send copies of this Order to plaintiff, to the Washington Attorney
09 General's Office, and to the Honorable Marsha J. Pechman.

10 DATED this 15th day of September, 2008.

11 
12 Mary Alice Theiler
13 United States Magistrate Judge
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